IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

WP(C).No. 15571 of 2007(D)

PETITIONER:

M.ABDUL NADEER, MARANANGATTU,
POYIL THODU, CHELAMBRA P.O., MALAPPURAM.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS:

1.RAMANTTUKARA GRAMA PANCHAYAT,
RAMANTTUKARA, MALAPPURAM DIST. REPRESENTED BY ITS SECRETARY.

2.THE SECRETARY, RAMANATTUKARA GRAMA PANCHAYAT, RAMANATTUKARA.

BY ADV. SRI.K.JAYAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX(WPC 15571/07)

PETITIONER'S EXTS.:

EXT.P1: TRUE COPY OF THE AGREEMENT DATED 11.10.2006.

EXT.P2: TRUE COPY OF THE SANITARY CERTIFICATE DATED 31.10.2006.

EXT.P3: TRUE COPY OF THE NOTICE NO.A6-194/07 DATED 2.1.2007.

EXT.P4: TRUE COPY OF THE REPLY DATED 28.2.2007.

EXT.P5: TRUE COPY OF THE NOTICE NO.A6-1385/06 DT. 7.3.2007.

EXT.P6: TRUE COPY OF THE REPLY DATED 16.3.2006.

PIUS C. KURIAKOSE,J.

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W.P.(C) No.15571 of 2007

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Dated: 11th December, 2007

JUDGMENT

This Writ Petition has been filed by a person who had been conducting chicken stall within the area of the 1st respondent-Panchayat. His grievance is that the Panchayat authorities stopped his business and have sealed the room and taken away the key of the room so as to enforce their order to stop the business. In the Writ Petition the following prayers are made:

1. To issue a writ of mandamus or any other writ, direction or order, directing the respondents to consider the application (A-61168) submitted by the petitioner for conducting a chicken stall and take a decision thereon forthwith.

2. To issue a writ of mandamus or any other writ, direction or order, directing the respondents to consider and pass orders on Exhibit P6 forthwith.

3. To issue a writ of mandamus or any other writ, direction or order directing the respondents to open the shop No.KPV-850A or in the alternative permit the petitioner to open the shop.

2. Learned counsel for the Panchayat seeks time to file counter affidavit. Heard both sides. I am not inclined to grant time in the

nature of the reliefs which are being granted hereunder. Obviously, the application for licence submitted by the petitioner is pending consideration before the Panchayat as is evident from Ext.P6. The Panchayat will take up that application, hear the petitioner and anybody else who according to the Panchayat is interested in the matter and take an early decision. Decision as directed above shall be taken at the earliest and at any rate within one month of receiving copy of the judgment. The building in question which is now sealed by the Panchayat does not belong to the Panchayat. It was taken on lease by the petitioner from somebody else. One can understand the Panchayat restraining conduct of a business requiring licence, without licence. But it may be possible for the petitioner to make use of the room for other purposes which do not require any licence. Under these circumstances, even as the application for licence is pending consideration before the Panchayat as is evident from Ext.P6, there will be a direction that the Panchayat shall put the petitioner back in possession by handing over the key of the building to the petitioner.

srd **PIUS C.KURIAKOSE, JUDGE**